

REMARKS

This Amendment is submitted supplementary to the previous Amendment and in response to the Notice of Non-Compliant Amendment.

With the present Amendment applicants submitted the same claims as were submitted in the Amendment of August 22, 2008, in which, however, new Claims 14-17 are not under underlined.

Claims 1-17 are pending in the application, with Claims 1 and 11-13 being independent claims, and Claims 14-17 being new.

The last Office Action has been carefully considered.

Claims 2, 5-6 and 10 are objected to due to lack of clarity in use of the terms “preferably” and “especially” in the claims.

Claim 6 is rejected under 35 U.S.C. § 112, second paragraph due to lack of clarity in use of the term “obtainable” in the claim.

Claims 11-13 are rejected under 35 U.S.C. § 101 because of improper definition of a process.

Claims 1-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gienau et al. (U.S. Pat. No. 6,645,340); French Patent No. 2,893,314 (hereinafter FR '314), Mishra et al. (U.S. Pat. No. 6,376,579), in view of Armin et al. (U.S. Pat. No. 6,214,159), Marten et al. (U.S. Pat. No. 4,481,349) and Neumann et al. (U.S. Pat. No. 5,576,108).

Claims 1-13 are amended. No new subject matter is presented.

Regarding the objection to Claims 2, 5-6 and 10, the above amendments are believed to overcome the objection.

Regarding the rejection of Claim 6 under 35 U.S.C. § 112, second paragraph, the above amendments are believed to overcome the rejection.

Regarding the rejection of Claims 11-13 under 35 U.S.C. § 101, the above amendments are believed to overcome the rejection.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the Examiner states that Gienau et al. in view of FR '314, Mishra et al., Armin et al., Marten et al., and Neumann et al. renders the claim obvious. Amended Claim 1 teaches, in part, a multi-component kit for a curable composition for fixing purposes, the multi-component kit comprising an epoxy resin component (a),

which comprises curable epoxides; and a hardener component (b), which comprises a Mannich base formulation, characterized in that *the Mannich base formulation has a content of free amines of 35% by weight or more.*

Gienau et al. discloses a two-component composition having one component A containing an epoxy resin and an other component B containing an amine curing agent (col. 5 lines 27-35) in a mixing ratio of A:B of 3:1 by volume (col. 6 lines 30-31); thus the formulation of Gieau et al. has a content of amine of about 25% by volume. By contrast, free amines in the present application are of at least 35% by weight. Gienau et al. fails to disclose at least the limitation of *the Mannich base formulation has a content of free amines of 35% by weight or more* taught by Amended Claim 1.

FR '314 does disclose polyamine accelerators but hints nowhere any specific amounts or weight ratios for any components. FR '314, as well as Gienau et al., fails to disclose at least the limitation of *the Mannich base formulation has a content of free amines of 35% by weight or more* taught by Amended Claim 1, and thus fails to cure the defects of Gienau et al.

Mishra et al. asserts a maximum content of accelerators at about 15% by weight (col. 6, table "Component B" Ancamine K54, which is a tertiary amine), but fails to suggest any free amines. Mishra et al., as well as Gienau et

al., fails to disclose at least the limitation of *the Mannich base formulation has a content of free amines of 35% by weight or more* taught by Amended Claim 1, and thus fails to cure the defects of Gienau et al.

Armin et al. also lacks free amines in the formulation. Armin et al., as well as Gienau et al., fails to disclose at least the limitation of *the Mannich base formulation has a content of free amines of 35% by weight or more* taught by Amended Claim 1, and thus fails to cure the defects of Gienau et al.

Marten et al. discloses content of free amines at only maximum 10% by weight (Claim 1). Marten et al., as well as Gienau et al., fails to disclose at least the limitation of *the Mannich base formulation has a content of free amines of 35% by weight or more* taught by Amended Claim 1, and thus fails to cure the defects of Gienau et al.

Neumann et al. also discloses content of free amines at maximum 10% (col. 8 Example 5). Neumann et al., as well as Gienau et al., fails to disclose at least the limitation of *the Mannich base formulation has a content of free amines of 35% by weight or more* taught by Amended Claim 1, and thus fails to cure the defects of Gienau et al.

Clearly, Amended Claim 1 structurally differs from Gienau et al., French '314, Mishra et al., Armin et al., Marten et al., Neumann et al., or any combination thereof.

Regarding the rejection of Claim 13 under 35 U.S.C. § 103(a), the above rationale for Amended claim 1 also similarly applies to Amended Claim 13 with respect to Gienau et al., French '314, Mishra et al., Armin et al., Marten et al., Neumann et al., or any combination thereof.

Regarding the independent Amended Claim 11, Mishra et al., Armin et al., Marten et al., Neumann et al., singularly or in any combination thereof, fail to disclose all the limitations of Amended Claim 11, as similarly discussed above for Amended Claim 1.

Regarding the independent Amended Claim 12, Mishra et al., Armin et al., Marten et al., Neumann et al., singularly or in any combination thereof, fail to disclose all the limitations of Amended Claim 12, as similarly discussed above for Amended Claim 1.

In view of the preceding amendments and remarks, it is respectfully submitted that all of the pending claims, namely, Claims 1-17, are in condition for allowance.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Striker', with a long horizontal flourish extending to the right.

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